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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,323	10/25/2001	Matti Saarinen	975.373USW1	2442

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EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

10/045,323

Applicant(s)

SAARINEN ET AL.

Office Action Summary

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ranta (U.S. Patent # 6,356,739).

Regarding claims 1 and 8, Ranta teaches a method and associated device for measuring a usage of system resources in a communication network (see abstract). The device comprising means for measuring which radio resources are used by a transmission in a system (column 6, lines 32-33). Means for measuring which data service units are used for transmission in the system (RSSI measurements, column 6), and means for measuring which transmission characteristics are used by transmission in the system (column 6, lines 26-31), wherein all of the means for measuring are adapted for performing a respective collective measurement (column 6, lines 23-26).

Regarding claims 2 and 9, Ranta teaches a method and associated device wherein said transmission characteristics comprise an information transfer capability information (figure 1c, column 2, lines 45-53).

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Regarding claims 3 and 10, Ranta teaches a method and associated device comprising means for evaluating, detecting and identifying each respective dependencies of said system resource usage by evaluating measurement results of said means for measuring means (column 2, lines 23-64).

Regarding claims 6 and 13, Ranta teaches a method and associated device wherein transmission contains high-speed circuit switched data (figure 1c, column 2, lines 45-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 7, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranta (US Patent # 6,356,739) in view of Hakaste et al (US Patent # 6,377,817).

Regarding claims 4, 5, 11 and 12, Ranta fail to specifically disclose a method and associated device which are part of a base station subsystem or the switching center of said communication network. However, in the same field of endeavor, Hakaste does disclose a data transmission method and system for circuit switched and other devices that comprises measurement means which are part of a base-station subsystem (column 4, lines 5-13). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ranta's invention with Hakaste's teaching of providing measurement's means in the switching center in order to decrease the manufacturers costs of the mobile station as well as allow for more precise measurements.

Regarding claim 7 and 14, Ranta fails to specifically disclose a method and associated device wherein said transmission contains data which is channel coded according to Enhanced Data rates for GSM Evolution. However, in the same field of endeavor, Hakaste teaches

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transmission containing data which is channel coded according to Enhanced Data rates for GSM Evolution (column 1, lines 22-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Hakaste's transmission containing data which is channel coded according to Enhanced Data rates for GSM Evolution with Ranta's teaching in order to provide manufacturers with the option to provide lower cost mobile equipment.

Allowable Subject Matter

Claims 15 and 16 are allowed.

Regarding claim 15, the prior art of record fails to specifically disclose determining circumstances of transmissions as well as changes in circumstances of transmissions in a system; *calculating separately for each transmission circumstance an intensity of data traffic in a communication network from reservation times of data service units used by transmissions and from release times of transmissions; considering a change of a radio channel configuration by updating the calculation performed separately for each transmission circumstance; determining dependencies based upon results of measurements, determinations and calculations; generating statistics based upon results of measurements, determinations and calculations; and processing generated statistics for dimensioning system resources for usage by transmissions in the system.*

Response to Arguments

Applicant's arguments filed 10/3/02 have been fully considered but they are not persuasive.

Regarding applicant's argument that Ranta merely discloses executing measurements by mobile stations of signal strength and timing differences of base stations and that the measurements are derivable from the same set of measurement data. Ranta is different than the Applicants' claimed invention because Ranta merely discloses executing measurements derivable from a set of measurement data of signal strength and timing differences of base stations by mobile stations. However, it is examiners contention that Ranta's invention, although discloses executing measurements derivable from a set of measurement data of signal strength and timing differences of base stations by mobile stations does meet the limitations of the claims. Applicants claim language simply requires for a device to collect measurements of 3 means. First being *a measurement of radio resources that are used by a transmission in a system*, interpreted broadly, Ranta teaches measuring the frequency that is the transmission frequency of adjacent cells (col. 6, lines 31-32). 2nd mean is for *measuring which data service units are used for transmission in the system*, again interpreted broadly, Ranta teaches two results being a measurement of the RSSI values, by doing so, it is inherent to Ranta the measurements is known of data service units that are used for transmission. 3rd mean required by applicant is measuring which transmission characteristics are used by transmission in the system and wherein all of the means for measuring are adapted for performing a respective collective measurement, again, interpreted broadly, Ranta teaches that the first result and second measurement results are obtained from different types of measurements. Although examiner agrees that Applicants' claimed invention sets forth an arrangement for assessing a collective measurement on the usage of system resources in a communication network, including radio resources, data service units and transmission characteristics of the transmissions thereof at the mobile services switching center and dimensioning system resources on the basis of the collective assessment of usage of system resources in the communication network, it is examiners contention, that claimed language is not as descriptive as applicant arguments.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

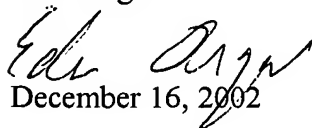
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Edan Orgad


December 16, 2002


12/16/02

**NGUYEN T. VO
PRIMARY EXAMINER**